

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JULY 27, 1999**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Commissioners Absent: Larry Hudkins, Vice Chair

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 20, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Workman seconded approval of the minutes of July 20, 1999. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 4 additions and deductions to the tax assessment rolls per Exhibit "A".  
(19991435) (19991436)

**MOTION:** Workman moved and Steinman seconded approval of the additions and deductions. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

All Nations Church of the Lord Jesus Christ  
American Red Cross - Lancaster County Chapter  
First Lutheran Church

**MOTION:** Steinman moved and Heier seconded approval of motor vehicle tax exemptions for All Nations Church of the Lord Jesus Christ, American Red Cross-Lancaster County Chapter and First Lutheran Church. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARINGS:**

Setting of public hearings for Tuesday, August 10, 1999 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for the following:

Ant LLC (2 notices)  
Ross Allen Dick  
Fred Cantu

By direction of the Chair, public hearings were set for Tuesday, August 10, 1999 at 2:30 p.m. in the Commissioners Chambers located on the first floor of the County-City Building in relation to notice of valuation change for omitted or undervalued property for Ant LLC (2 notices), Ross Allen Dick and Fred Cantu.

The Chair noted that Commissioners completed the Board of Equalization property valuation protests hearings for 1999 on Saturday, July 24, 1999. She added that the system worked well and commended the County Assessor's staff, as well as the County Clerk's staff, for the great amount of work that went into the process.

5) **LETTER OF APPRECIATION:**

Approval of a letter of appreciation from Lancaster County to Jack Huck, Southeast Community College, for use of their facilities during the 1999 Property Valuation Protests.

**MOTION:** Workman moved and Heier seconded approval of a letter of appreciation from Lancaster County to Jack Huck, Southeast Community College, for use of their facilities during the 1999 Property Valuation Protests.

The Chair read the letter into the record.

**ROLL CALL:** Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

---

Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 27, 1999  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Commissioners Absent: Larry Hudkins, Vice Chair

Others Present: Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 20, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Steinman moved and Heier seconded approval of the Board of Commissioners minutes dated July 20, 1999. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, July 27, 1999.**

**MOTION:** Steinman moved and Heier seconded approval of all claims processed through July 27, 1999. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

**The Commissioners Award of Excellence was presented to Marlene K Lauer, an employee at Lancaster Manor.**

- 4) **PUBLIC HEARINGS:**

**County Change of Zone 189, requested by the Interim Director of Planning, at the request of the Lancaster County Board, for a text amendment to the Lancaster County Zoning Resolution to delete "domestic servants" language. (19991346) (19991385)**

The Chair opened the public hearing regarding Change of Zone 189.

Mike DeKalb, Planning Department, explained there have been complaints regarding language in the current County Zoning Resolution which states that accessory buildings may be used as dwellings for "domestic servants".

He noted that the Planning Commission recommended approval and other reviewing agencies, including Building and Safety, concurred.

The Chair asked if anyone wished to testify in favor or in opposition to the Change of Zone.

No one appeared and the hearing was closed.

**MOTION:** Steinman moved and Heier seconded approval of Resolution 99-1385 in relation to County Change of Zone 189, requested by the Interim Director of Planning, at the request of the Lancaster County Board, for a text amendment to the Lancaster County Zoning Resolution to delete "domestic servants" language. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**Amend Rural Rehabilitation awarded to Tracey Latture to substitute the contractor performing the work to Ken Noland, Innovative Siding, at a contract price of \$5,392. (19991388)**

Diane Staab, Deputy County Attorney, stated the County Board approved a grant in May of 1999 for repairs to a modular home. She explained the contractor approved in May is now unable to perform the desired work because he is too busy, however, there is another contractor available to perform the repairs.

No contract exists between the previous contractor and the County. She explained that the County approves the funding and that the agreement is between the contractor and the homeowner.

**MOTION:** Steinman moved and Heier seconded to amend the Rural Rehabilitation awarded to Tracey Latture to substitute the contractor performing the work to Ken Noland, Innovative Siding, at a contract price of \$5,392. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. An application for a Special Designated License from Mike Budzinsky to hold the 1989 Waverly High School class reunion on Saturday, August 7, 1999 from 5 pm. to 1 a.m. at the Waverly Community Foundation located at 11120 North 141<sup>st</sup> Street, Waverly, Nebraska. (19991427) (19991437)**

**MOTION:** Steinman moved and Heier seconded approval of an application for a Special Designated License from Mike Budzinsky to hold the 1989 Waverly High School class reunion on Saturday, August 7, 1999 from 5 p.m. to 1 a.m. at the Waverly Community Foundation located at 11120 North 141<sup>st</sup> Street.

Campbell noted that recommendations had been received from the Sheriff and the County Engineer.

In response to questions regarding whether the Waverly Community Foundation is within the County or within the jurisdiction of the City of Waverly, Larry Worrell, County Surveyor, stated the location is within the County.

Workman stated he would be abstaining from the vote because his daughter was a member of the 1989 graduating class and also that same year she was killed by a drunk driver.

Heier stated he felt he had a conflict because Commissioner Workman's daughter was a friend of his family and a friend of his daughter.

In response to a question asked by Campbell, Diane Staab, Deputy County Attorney, stated that there needs to be a majority present, however, two votes would be sufficient with the two abstentions.

Kerry Eagan, Chief Administrative Officer, explained there needs to be a quorum to take action.

Heier asked if his situation would be a conflict and stated if the County Attorney's Office felt it wasn't, he would proceed with voting.

Staab stated she felt it wasn't a conflict.

Steinman stated she supports Workman, however, all applications for Special Designated Licenses are granted unless there are special concerns with the individual license.

Heier concurred with Steinman and indicated he respects Commissioner Workman's concerns.

Campbell stated she respected Workman's comments and encouraged him to abstain.

**ROLL CALL:** Steinman, Campbell and Heier voted aye. Workman abstained.

- B. A contract with Region V to provide services by and through the Community Mental Health Center of Lancaster County for homeless individuals, beginning October 1, 1998 and ending September 30, 1999. In return for these services the County will be awarded \$32,500. (19991428)**

**MOTION:** Workman moved and Heier seconded approval of a contract with Region V to provide services by and through the Community Mental Health Center of Lancaster County for homeless individuals, beginning October 1, 1998 and ending September 30, 1999.

Steinman asked how many individuals would be served by the contract.

Wendy Endorf, Community Mental Health Center, stated there would be ten individuals receiving full-time case management and 120 outreach individuals.

**ROLL CALL:** Heier, Workman, Campbell and Steinman voted aye. Motion carried.

**C. An agreement with Mid-American Nurses for nursing services at Lancaster Manor, at rates as specified in the agreement, beginning on the date it is approved and ending after one year. (19991442)**

**MOTION:** Steinman moved and Workman seconded approval of an agreement with Mid-American Nurses for nursing services at Lancaster Manor, at rates as specified in the agreement, beginning on the date it is approved and ending after one year.

Workman noted that the rates range between \$16 and \$40 per hour and that the agreement is necessary because of difficulty in hiring staff at Lancaster Manor.

**ROLL CALL:** Campbell, Steinman, Workman and Heier voted aye. Motion carried.

**D. An agreement between the Lincoln-Lancaster County Health Department and Lancaster County for a physician and a nurse at the Jennie B Harrel Attention Center for Youth, at rates as specified in the agreement, beginning June 1, 1999 and ending June 30, 2000. (19991441)**

**MOTION:** Steinman moved and Workman seconded approval of an agreement between the Lincoln-Lancaster County Health Department and Lancaster County for a physician and a nurse at the Jennie B Harrel Attention Center for Youth, at rates as specified in the agreement, beginning June 1, 1999 and ending June 30, 2000. On call Heier, Workman, Steinman and Campbell voted aye. Motion carried.

**E. A contract with Ambulatory Foot Center for podiatry and rehabilitation services at Lancaster Manor, beginning August 1, 1999 and ending July 31, 2002. Fees shall be in compliance with the Nebraska Department of Health and Human Services schedule and shall not exceed Medicare/Medicaid rates. (19991438)**

**MOTION:** Heier moved and Steinman seconded approval of a contract with Ambulatory Foot Center for podiatry and rehabilitation services at Lancaster Manor, beginning August 1, 1999 and ending July 31, 2002. Fees shall be in compliance with the Nebraska Department of Health and Human Services schedule and shall not exceed Medicare/Medicaid rates. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

**F. An agreement with the City of Hickman for law enforcement services through the Sheriff's Office, in the amount of \$3,319.67 per month, plus overtime, beginning September 1, 1999 and ending August 31, 2000. (19991419)**

**MOTION:** Steinman moved and Heier seconded approval of an agreement with the City of Hickman for law enforcement services through the Sheriff's Office, in the amount of \$3,319.67 per month, plus overtime, beginning September 1, 1999 and ending August 31, 2000. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

**G. An agreement with Terracon for subsurface exploration and geotechnical services for the Juvenile Detention Facility project, in the amount of \$3,925. (19991443)**

**MOTION:** Heier moved and Steinman seconded approval of an agreement with Terracon for subsurface exploration and geotechnical services for the Juvenile Detention Facility project, in the amount of \$3,925.

In response to a question asked by Campbell, Dave Johnson, Deputy County Attorney, explained there would be a change in the language which will add the word "negligent" to the following sentence, "The parties agree to assume all risk and liability for any injury to persons or property resulting in any manner from each party's own negligent acts or omissions related to this agreement, including negligent acts or omissions by each party's own agents or employees related to this agreement."

Steinman inquired if the language should be included in all agreements.

Johnson stated it would be clearer if the language was included, however, if it's not included, it is implied.

**ROLL CALL:** Workman, Heier, Campbell and Steinman voted aye. Motion carried.

**H. An addendum to an agreement with the Lincoln Chamber of Commerce to carry out provisions of the Nebraska Visitors Development Act. (The original agreement was entered into on July 15, 1997.) (19991429)**

**MOTION:** Steinman moved and Heier seconded approval of an addendum to an agreement with the Lincoln Chamber of Commerce to carry out provisions of the Nebraska Visitors Development Act.

Steinman stated the change in the agreement is to allow Convention and Visitors Bureau employees to assist the Chamber of Commerce employees when breaks are taken.

Kerry Eagan, Chief Administrative Officer, explained that the original contract didn't allow for assistance with breaks and lunches because Convention and Visitors Bureau (CVB) employees need to conduct CVB work, however, many calls coming in through the general switchboard are for the CVB. He stated it is a reasonable accommodation.

**ROLL CALL:** Campbell, Heier, Steinman and Workman voted aye. Motion carried.

**I. A resolution in the matter of eminent domain proceedings; Project C55-CF-405(2), Tracts 1 and 3. (Frank and Linda Kissinger) (19991413)**

**MOTION:** Steinman moved and Heier seconded approval of Resolution 99-1413 in the matter of eminent domain proceedings; Project C55-CF-405(2), Tracts 1 and 3. (Frank and Linda Kissinger)

Don Thomas, County Engineer, stated the approximate location is 14<sup>th</sup> Street and Raymond Road. He indicated he has had three telephone conversations and an office visit regarding the acquisition of the property, however, Kissinger is not comfortable with the price and has not made a decision as to the value of the property.

Workman asked if a tax benefit would be created by acceptance of an eminent domain proceeding.

Thomas stated he didn't know.

Steinman stated the issue of a tax benefit should be researched.

Campbell noted for the record that negotiations began in February, 1999 and 12 contacts have been made since that time.

**ROLL CALL:** Campbell, Steinman, Heier and Workman voted aye. Motion carried.

**J. Authorization for the County Engineer to install two lane use control signs on West Raymond Road for turn lanes into the Branched Oak Lake Campground entrance west of Northwest 112<sup>th</sup> Street, one for eastbound traffic and one for westbound traffic. (19991444)**

**MOTION:** Workman moved and Steinman seconded approval of Resolution 99-1444 authorizing the County Engineer to install two lane use control signs on West Raymond Road for turn lanes into the Branched Oak Lake Campground entrance west of Northwest 112<sup>th</sup> Street, one for eastbound traffic and one for westbound traffic. On call Campbell, Heier, Workman and Steinman voted aye. Motion carried.

- K. A political subdivision tort claim filed against the Corrections Department by Paul Ripenburg, in the amount of \$45, for lost property. (19991430)**

**MOTION:** Workman moved and Steinman seconded to accept the Director's recommendation and approve the political subdivision tort claim filed against the Corrections Department by Paul Ripenburg for lost property, in the depreciated amount of \$27. On call Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- L. A political subdivision tort claim filed against Norris High School and Lancaster County by Dale Dahlin on behalf of Christopher Navratil, in the amount of \$1,000,000. (19991415)**

Diane Staab, Deputy County Attorney, recommended the claim be denied because it was not filed within the time period specified by the Tort Claims Act and also because Lancaster County has no oversee power of Norris Public Schools or official affiliation with them other than levying taxes.

**MOTION:** Steinman moved and Heier seconded to accept the recommendation from the County Attorney's Office and deny the political subdivision tort claim filed against Norris High School and Lancaster County by Dale Dahlin on behalf of Christopher Navratil, in the amount of \$1,000,000. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- M. Appointment of Theresa Parker and Tim Timmons to the Lancaster Manor Advisory Committee for a three year term, beginning July 1, 1999. (19991403)**

**MOTION:** Steinman moved and Heier seconded approval of the appointment of Theresa Parker and Tim Timmons to the Lancaster Manor Advisory Committee for a three year term, beginning July 1, 1999. On call Workman, Campbell, Steinman and Heier voted aye. Motion carried.

7) **CONSENT ITEMS: These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:**

- A. Setting of a public hearing for Tuesday, August 10, 1999 at 1:30 p.m. in the Commissioners Chambers for Street Name Change 99004 to rename Highway 77 south from Interstate 80 to its intersection with Highway 136 as "Homestead Heritage Expressway". This includes a portion of South 12<sup>th</sup> Street and Salt Valley Roadway. (19991426)**

- B. A maintenance agreement with JJE, Inc. for a microfilm camera located in the Register of Deeds Office, in the amount of \$995, beginning August 1, 1999 and ending July 31, 2000. (19991440)**
- C. A right-of-way contract with Carleen Joy Johnson Dowding, in the amount of \$40, near North 190<sup>th</sup> Street and Havelock Avenue. (19991431)**

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items.

Kathy Smith, Assistant Purchasing Agent, submitted a new worksheet for the maintenance agreement with JJE, Inc. (Consent Item 7B).

Heier commented that the County Board would be reviewing maintenance agreements for next year.

**ROLL CALL:** Steinman, Workman, Heier and Campbell voted aye. Motion carried.

8) **ANNOUNCEMENTS:**

Campbell announced that copies of the proposed Lancaster County budget are available in the County Board Office.

9) **ADJOURNMENT:**

**MOTION:** Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. On call Steinman, Workman, Campbell and Hudkins voted aye. Motion carried.

---

Bruce Medcalf  
County Clerk